



for PAC

Atty. Docket: ITW-14146

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jimmy Lee Long : Group Art Unit: 3721

Serial No.: 10/612,481 : Examiner: Harmon, C.R.

Filed: July 1, 2003

Title: PNEUMATIC ROLLER FOR PASSING FILM
WITH ATTACHMENTS THROUGH ROLLERS
OF MACHINE

Attn.: Office of Petitions
Hon. Commissioner for Patents
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 CFR 1.181(a)**

Sir:

In response to the Notice of Abandonment mailed on May 28, 2008, Applicant requests that the holding of abandonment set forth therein be withdrawn because it was issued in error. The Notice of Abandonment states that: "A proposed reply was received on 10 December 2007, but it does not constitute a proper reply under 37 CFR 1.113(a) to the Final Rejection." The date of December 10, 2007 is more than six months after the date of the Final Rejection in this case, to wit, June 7, 2007. Thus, the Notice of Abandonment appears to be based on the fact that the Examiner believed Applicant's response to the Final Rejection was untimely, i.e., more than six months after the date of the Final Rejection. On the

contrary, Applicant mailed a proper reply on December 5, 2007 – before expiration of the 6-month period for response – as evidenced by the Certificate of Mailing on page 2 of the *Response to Notice of Panel Decision and Petition Requesting Three-Month Extension of Time*, a copy of which is annexed hereto as Exhibit A.

Procedural History

A Final Rejection was mailed on June 7, 2007. On August 6, 2007, Applicant mailed a *Response to Final Rejection*. An Advisory Action was mailed on September 21, 2007. Applicant then filed a *Notice of Appeal* on October 17, 2007, accompanied by a *Pre-Appeal Brief Request for Review* and a check in the amount of \$620.00.

On November 13, 2007, a Notice of Panel Decision from Pre-Appeal Brief Review was mailed. That Notice stated that Applicant's *Pre-Appeal Brief Request for Review* filed on October 19, 2007 was improper because additional fees were required.

On December 5, 2007, Applicant mailed a *Response to Notice of Panel Decision and Petition Requesting Three-Month Extension of Time*, accompanied by a check in the amount of \$940.00. Thus Applicant paid a total of \$620.00 + \$940.00 =

\$1,560.00, which represented the correct total fee for filing a notice of appeal (\$510.00) and a petition requesting a three-month extension of time (\$1,050.00), both of which were mailed before expiration of six months from the date of the Final Rejection.

In view of the foregoing, Applicant requests that the holding of abandonment be withdrawn. No fee is required for submission of this petition.

Respectfully submitted,

August 19, 2008

Date



Dennis M. Flaherty

Reg. No. 31,159

Ostrager Chong Flaherty &
Broitman P.C.

570 Lexington Avenue
New York, NY 10022-6894
Tel. No.: 212-681-0600

CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

August 19, 2008

Date



Dennis M. Flaherty



Exhibit A

Atty Docket No.: ITW-14146

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jimmy Lee Long

Serial No.: 10/612,481 : Group Art Unit: 3721

Filed: July 1, 2003 : Examiner: Harmon, C.R.

Title: PNEUMATIC ROLLER FOR PASSING FILM WITH
ATTACHMENTS THROUGH ROLLERS OF MACHINE

Hon. Commissioner for Patents
Alexandria, VA 22313-1450

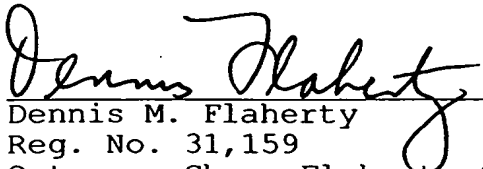
**RESPONSE TO NOTICE OF PANEL DECISION
AND PETITION REQUESTING THREE-MONTH
EXTENSION OF TIME**

Sir:

In response to the Notice of Panel Decision (copy enclosed) mailed on November 13, 2007, Applicant hereby requests a three-month extension of time for responding to the Final Rejection mailed on June 7, 2007 in this application. A Notice of Appeal, Pre-Appeal Brief Request for Review and Petition Requesting One-Month Extension of Time were previously mailed on October 17, 2007, along with a check in the amount of \$620.00. A further check is submitted herewith in the amount of \$940.00, which includes the balances due for the extension fee (\$1,050.00 less \$120.00 already paid) and for the fee for filing a notice of appeal (\$510.00 less \$500.00 already paid).

Respectfully submitted,

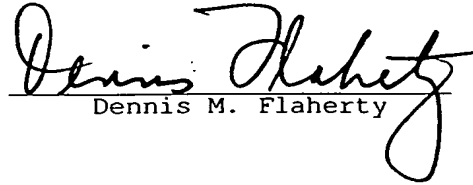
December 5, 2007
Date


Dennis M. Flaherty
Reg. No. 31,159
Ostrager Chong Flaherty &
Broitman P.C.
570 Lexington Avenue
New York, NY 10022-6894
Tel. No.: 212-681-0600

CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

December 5, 2007
Date


Dennis M. Flaherty